

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

FOLSOM CORDOVA UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2013070016

ORDER DENYING REQUEST FOR
CONTINUANCE

This matter was filed on June 25, 2013. On October 22, 2013, a second continuance in this matter was granted for reasons including the completion of assessments and to hold an IEP team meeting. On January 24, 2014, the parties filed a joint request to continue the dates in this matter so that assessments may be completed and an individual education program (IEP) team meeting convened. This is the third joint request for a continuance in this matter.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Denied without prejudice. All prehearing conference and hearing dates and timelines shall proceed as calendared. OAH is inclined to grant a short continuance. However, the parties have requested a continuance of the prehearing conference date until March 24, 2014, and the hearing dates to April 1-3, 2014, which would result in a decision being rendered in this matter almost one year after the case was originally filed. Should the parties request another continuance in this matter, the parties shall submit a joint request for continuance with requested hearing dates within 30 days of today's date. If a short continuance is granted, it will be the final continuance in this matter.

IT IS SO ORDERED.

Dated: January 27, 2014

/s/

MARGARET BROUSSARD
Administrative Law Judge
Office of Administrative Hearings